

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

CHARLES LOCKE,

Petitioner,

v.

JULIE INMAN,

Respondent,

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No. 4:20-CV-244 DDN

MEMORANDUM AND ORDER

This matter is before the Court relative to petitioner's correspondence filed on September 11, 2020, and June 1, 2022. In his correspondence, petitioner once again requests release from his confinement at Southeast Mental Health Center in Farmington, Missouri. However, this action for writ of habeas corpus brought pursuant to 28 U.S.C. § 2254 was closed on April 9, 2020, for petitioner's failure to exhaust his state court remedies with respect to his claims. There is no indication that this closed action should be reopened.

To the extent petitioner is seeking to reopen this matter, such a request is denied. Petitioner's filings fail to point to any manifest errors of law or fact, or any newly discovered evidence. *See* Fed.R.Civ.P.59 and 60.

Additionally, although the correspondence includes a document titled "Motion for Leave to File an Amended Complaint," it is addressed to a state court, the 24th Judicial Circuit, and appears to have been filed in this Court in error. Even if the document was meant to be filed in this Court, petitioner has failed to attach a copy of the proposed amended petition. *Clayton v. White Hall School Dist.*, 778 F.2d 457, 460 (8th Cir. 1985); *see Wolgin v. Simon*, 722 F.2d 389, 395 (8th Cir. 1983) ("Absent some indication as to what might be added to the complaint to make it viable, the [moving party] is not entitled to leave to amend."). Therefore, his request to file an amended petition will be denied.

To the extent petitioner seeks to file a new application for writ of habeas corpus, the Court will instruct the Clerk to send petitioner a court form for filing a new action in this District. However, no new filings should be filed in this closed case.

Accordingly,

IT IS HEREBY ORDERED that petitioner's correspondence [ECF Nos. 11 and 12], to the extent the letters could be interpreted as motions, are **DENIED**.

IT IS FURTHER ORDERED that the Clerk shall not accept any additional filings in this closed action.

IT IS FURTHER ORDERED that the Clerk shall provide petitioner with a court form for filing an application for writ of habeas corpus brought pursuant to 28 U.S.C. § 2254, as well as a motion for proceeding in forma pauperis in a habeas corpus action.

IT IS FURTHER ORDERED that no certificate of appealability shall issue.

Dated this 13th day of June, 2022.


STEPHEN N. LIMBAUGH, JR.
SENIOR UNITED STATES DISTRICT JUDGE